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9 Attorneys for Defendants  
10 ZEP, INC. and ACUITY SPECIALTY  
11 PRODUCTS, INC.

12 UNITED STATES DISTRICT COURT  
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14 JEFF FULLER, an individual;  
15 RANDALL CHUN, an individual; on  
16 behalf of themselves and other persons  
17 similarly situated,

18 Plaintiffs,

19 vs.

20 ZEP, INC., a Delaware corporation;  
21 ACUITY SPECIALTY PRODUCTS,  
22 INC., and DOES 1 through 100, inclusive,

23 Defendants.

Case No.: 3:18-cv-2672-JSW

**NOTICE OF MOTION AND  
MOTION OF DEFENDANTS TO  
DISMISS PLAINTIFF FULLER'S  
THIRD CAUSE OF ACTION AND  
DISMISS AND/OR STRIKE  
PLAINTIFF'S NATIONWIDE  
CLASS CLAIMS**

**FED. R. CIV. P. 12(B)(2), 12(b)(6),  
12(F)**

**No Oral Argument Requested Unless  
Required by the Court**

[Filed concurrently with Memorandum  
of Points and Authorities and  
[Proposed] Order]

Judge: Jeffrey S. White  
Hearing Date: November 30, 2018  
Hearing Time: 9:00 a.m.

Complaint Filed: May 7, 2018

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27 **TO THE HONORABLE COURT AND TO ALL PARTIES AND THEIR**  
28 **ATTORNEYS OF RECORD:**

1 PLEASE TAKE NOTICE that on November 30, 2018 at 9:00 a.m. or as soon  
2 thereafter as the matter may be heard in the courtroom of the Hon. Jeffrey S. White,  
3 Courtroom 5, 2<sup>nd</sup> Floor, of the above-named Court, located at 1301 Clay Street,  
4 Oakland, CA 94612, Defendants ZEP, INC. and ACUITY SPECIALTY PRODUCTS,  
5 INC. ("Defendants") will, and hereby do, move the Court, (1) pursuant to Rule  
6 12(b)(6) to dismiss Plaintiff Fuller's Third Cause of Action in its entirety for failure to  
7 state a claim upon which relief can be granted, and (2) to dismiss Plaintiff Fuller's  
8 nationwide class action claims for lack of personal jurisdiction pursuant to Rule  
9 12(b)(2) or in the alternative, to dismiss and/or strike Plaintiff's nationwide class  
10 action claims pursuant to Rule 12(b)(6) and 12(f) of the Federal Rules of Civil  
11 Procedure.

12 This Motion is based upon this notice, the Memorandum of Points and  
13 Authorities filed and served concurrently herewith, the exhibits attached thereto, and  
14 such other oral and documentary evidence as may be received by the Court at the time  
15 of hearing on this motion.

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18 Dated: August 24, 2018

Respectfully submitted,

COZEN O'CONNOR

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20 By: /s/ Jason E. Barsanti  
21 Jason E. Barsanti  
22 Attorneys for Defendants  
23 ZEP, INC. and ACUITY SPECIALTY  
24 PRODUCTS, INC.  
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